

**Before the
Federal Communications Commission
Washington, D.C, 20554**

In the Matter of)
)
Advanced Methods to Target and Eliminate) CG Docket No. 17-59
Unlawful Robocalls)

**COMMENTS OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

I. INTRODUCTION

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these comments in response to the Further Notice of Proposed Rulemaking (“FNPRM”)² in the above-captioned proceeding. In the FNPRM’s Report and Order, the Commission adopted rules allowing providers to block calls from numbers on a Do-Not-Originate list and those that purport to be from invalid, unallocated, or unused numbers. In its FNPRM, the Commission seeks comment on potential mechanisms to ensure that erroneously blocked calls can be unblocked as quickly as possible and without undue harm to callers and consumers.³ It is essential that blocking providers take all reasonable precautions to ensure that only illegal calls are blocked and that erroneous blocked numbers be reinstated as soon as reasonably practicable.

¹ NTCA represents nearly 850 independent, community-based telecommunications companies and cooperatives and more than 400 other firms that support or are themselves engaged in the provision of communications services in the most rural portions of America. All of NTCA’s service provider members are full service rural local exchange carriers (“RLECs”) and broadband providers. NTCA holds a seat on the North American Numbering Council, a Commission advisory body.

² *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Further Notice of Proposed Rulemaking (“FNPRM”), FCC 17-151 (rel. Nov. 17, 2017).

³ FNPRM, ¶ 57.

While robocalling is a serious and annoying problem that deserves the full attention of the Commission and providers, erroneous call blocking could prove disastrous to the well-being and safety of consumers and to the economic welfare of businesses. Rural consumers and their providers are intimately familiar with what can happen when legitimate calls fail to complete. Because of originating providers' inability or unwillingness to consistently complete calls to rural areas, businesses have lost customers, families have been unable to reach loved ones, hospitals have been unable reach doctors, doctors have not been able to reach patients, and 911 call centers have been unable to make emergency call backs.⁴ Rural call completion is a problem that spans years and despite regulatory efforts, the problem continues.⁵ The blocking of illegal robocalls must not exacerbate the difficulty subscribers face in making or receiving legitimate calls.

NTCA recommends that providers who elect to block calls be required to take precautions to ensure that numbers are not erroneously blocked. Blocking providers should be compelled to provide an intercept message to all callers using a blocked number. The message should let the caller know that the call has been blocked and state that the provider believes that the originating number may be associated with illegal robocalling. The intercept message should also include clear and simple instructions about how a caller can challenge the block and information about how long resolution is expected to take. To accomplish this, there should be a mechanism whereby the calling party can immediately challenge the block and launch an investigation with the provider; for example, a caller should be able to press "1" if the message is

⁴ See, e.g., *Developing a Unified Inter-carrier Compensation Regime*, CC Docket No. 01-92, *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135, Declaratory Ruling, 27 FCC Rcd. 1351 (2012) ¶ 2.

⁵ See, NTCA Comments on *Rural Call Completion*, WC Docket No. 13-39 (filed Aug 3, 2017).

in error, or at the very least, the message should offer a call back number to reach a representative. Such a process should allow a would-be-caller to speak with a live customer service representative within a short period of time and either have the block removed immediately or, at a minimum, initiate an investigation as to whether the block can be removed (with a clear means of obtaining updates as to resolution).

The Commission's informal complaint process is insufficient to protect the public from erroneous call blocking. The complaint process requires the harmed party to take extraneous steps to rectify the problem and would result in delays mired in a black hole of bureaucracy. The potential harmful consequences of erroneous call blocking demands that the challenge mechanism be quick, simple and straightforward for the calling party. It is far more efficient for the erroneously blocked party to work directly with the blocking provider through an automated mechanism to resolve the situation. The filing of a complaint with the FCC would still be a tool available to blocked parties who are dissatisfied with a provider's resolution process.

The Commission asks, once a caller is aware of erroneous blocking, how can it ensure the calls are unblocked?⁶ Consumers are best protected if providers cease blocking calls as soon as is practicable upon a credible claim by the caller that its calls are being blocked in error. The risks associated with legitimate calls failing to complete are greater than the annoyance of consumers continuing to receive an occasional illegal robocall. The danger of illegal robocallers exploiting the challenge process is mitigated because the caller must take affirmative steps to initiate the challenge process with the provider, including most notably the transfer to a live customer service representative as described above. Automated robocalling systems or other illegal callers cannot, or are least highly unlikely to, take such steps to challenge a block. While

⁶ FNPRM, ¶ 58

it is possible that a sophisticated robocaller could initiate a challenge (although it seems far-fetched that a robocaller would want to do so for scores of originating numbers at issue), a provider would still have the opportunity to investigate and the means to confirm that the calling party is (or is not) legitimate. Given the unlikelihood of challenge success, a robocaller would have little incentive to initiate the process.

The Commission seeks comment on how it can measure the effectiveness of its robocalling efforts. The Commission should require larger providers⁷ to report the quantity of “false positives,” at least quarterly. A quarterly report will enable the Commission to judge the effectiveness of its rules and take quick corrective action if it is determined that legitimate calls are being blocked and the process for resolving those is not working quickly and effectively.

⁷ NTCA suggests that the Commission require “false positive” record keeping and submission from providers who provide service to more than 100,000 domestic retail subscriber lines. This threshold was used to define “Covered Providers” who were required to comply with the Rural Call Completion record keeping and reporting requirements. Using the same threshold here would similarly offer the Commission sufficient data to judge the effectiveness of its rules while minimizing the burden on smaller providers. *See, Rural Call Completion, Report and Order, WC Docket No. 13-39, ¶ 20 (Rel. Nov. 8, 2013).*

NTCA supports the Commission's efforts to address illegal robocalling. It is a serious consumer issue and demands attention. However, rural consumers and carriers have unique experience with calls failing to complete to consumers. For the well-being of consumers, and the integrity of the public switched telephone network, it is essential that the Commission put in place protections and reasonable processes to ensure that legitimate calls can consistently complete.

Respectfully submitted,



By: /s/ Jill Canfield
Jill Canfield
Vice President, Legal & Industry
Assistant General Counsel
4121 Wilson Boulevard, Suite 1000
Arlington, VA 22203

jcanfield@ntca.org
703-351-2000 (Tel)

January 23, 2018